

Appl. No. 10/780,846
Atty. Docket No. 9527LS
Amdt. dated June 13, 2006
Reply to Office Action of March 14, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102 Over Bustin (GB 1,301,198)

The Office Action rejects claims 1, 3, 12, 14-16 and 18 under 35 USC §102(a) as anticipated by Bustin (GB 1,301,198). Applicant respectfully traverses this rejection. Applicant submits that the cited reference fails to teach each of the limitations of the invention as claimed.

Applicant claims methods for making articles having elastic-like behavior. Claim 1 also includes the limitation of forming a portion of sheet material into a strainable network. Nothing in the cited reference can be said to teach the manufacture of an article having elastic-like behavior, or the formation of a strainable network. Embossed plastic films as taught by the reference are not inherently elastic-like in their behavior and do not inherently possess strainable networks. The reference does not expressly teach that the particular films are elastic-like or that they comprise strainable networks. Therefore the reference does not teach all of the limitations of the inventions as claimed and the rejection under 35 USC §102(a) should be withdrawn.

Rejection Under 35 USC §103(a)

Claims 2, 4, 10 and 12 has been rejected under 35 USC §103(a) as being unpatentable over *Bustin* in view of *Cronauer* (US 5,709,069). This rejection is traversed because the combined references fail to establish a *prima facie* case of obviousness under 35 USC §103(a).

The deficiencies of the *Bustin* reference noted above are not cured by the addition of the *Cronauer* reference. The combination of references fails to teach or suggest each of the limitations of the invention as claimed and therefore fails to establish a *prima facie* case of obviousness under 35 USC §103(a).

Claims 2, 4-9, 10-11, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bustin* as applied to claim 1 above and further in view of *Rowe et al.* (US 2615375), or *LaFleur et al.* (US 4481006), or *Yisha et al.* (US 5956929), or the collective teachings of and *Hiramoto et al.* (US 6446684) and *Henaus* (US5845463) and

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Adelmann (US 5564252) and Muller (US 5279095). Applicant respectfully traverses this rejection.

The combination of *Bustin* with any of the secondary references fails to cure the base deficiency of the *Bustin* reference with respect to the invention as claimed. The *Bustin* reference does not teach or suggest the limitations of the invention as set forth in either of the independent claims. The addition of other references to provide the limitations of dependent claims fails to cure this basic fault of the rejections.

The Office Action rejects claim 13 under 35 USC §103(a) as being unpatentable in view of *Bustin* in combination with Meyers, (US 6,394,652). Meyer is offered for the limitation of incorporating a closure into the bags of *Bustin*. The addition of a closure to the bags described in the *Bustin* reference fails to cure the deficiency of *Bustin* with regard to the elastic like nature of the claimed article or the formation of a strainable network in the sheet of the article.

None of the combinations of references provided by the Office Action overcomes the basic deficiency of the *Bustin* reference with regard to the independent claims. The rejections under 35 USC §103(a) should be reconsidered and withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§ 102, 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,

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By


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